

Royal-Allard	Spratt	Unsoeld
Sabo	Stark	Valentine
Sanders	Stenholm	Velazquez
Sangmeister	Stokes	Vento
Sarpalius	Strickland	Visclosky
Sawyer	Studds	Volkmer
Schenk	Stupak	Washington
Schiff	Swett	Waters
Schumer	Swift	Watt
Scott	Synar	Waxman
Serrano	Talent	Wheat
Sharp	Tanner	Whitten
Shepherd	Taylor (MS)	Williams
Sisisky	Tejeda	Wilson
Skaggs	Thompson	Wise
Skeen	Thornton	Wolf
Skelton	Thurman	Wyden
Slattery	Torres	Wynn
Slaughter	Torricelli	Yates
Smith (IA)	Trafigant	Young (FL)
Smith (NJ)	Tucker	

NAYS—157

Allard	Gilchrest	Michel
Archer	Gillmor	Miller (FL)
Armey	Gilman	Molinari
Bachus (AL)	Gingrich	Moorhead
Baker (CA)	Goodlatte	Nussle
Baker (LA)	Goodling	Packard
Ballenger	Goss	Paxon
Barrett (NE)	Grams	Petri
Bartlett	Grandy	Pickett
Barton	Greenwood	Pombo
Bentley	Gunderson	Porter
Bereuter	Hancock	Portman
Bilirakis	Hastert	Poshard
Bliley	Hefley	Pryce (OH)
Blute	Herger	Quillen
Boehlert	Hobson	Quinn
Boehner	Hoekstra	Ramstad
Bonilla	Hoke	Ravenel
Bunning	Huffington	Ridge
Burton	Hunter	Roberts
Buyer	Hutchinson	Rohrabacher
Callahan	Hyde	Ros-Lehtinen
Calvert	Inglis	Roth
Camp	Inhofe	Roukema
Canady	Istook	Rush
Castle	Jacobs	Santorum
Coble	Johnson (CT)	Saxton
Collins (GA)	Johnson, Sam	Schaefer
Combest	Kasich	Schroeder
Costello	Kim	Sensenbrenner
Crane	King	Shaw
Crapo	Kingston	Shays
Cunningham	Klug	Shuster
DeLay	Knollenberg	Smith (MI)
Diaz-Balart	Kolbe	Smith (TX)
Dickey	Kyl	Snowe
Doolittle	Lazio	Solomon
Dornan	Leach	Spence
Dreier	Levy	Stearns
Duncan	Lewis (CA)	Stump
Dunn	Lewis (FL)	Sundquist
Emerson	Lightfoot	Taylor (NC)
Everett	Linder	Thomas (CA)
Ewing	Manzullo	Thomas (WY)
Fawell	McCandless	Torkildsen
Fields (TX)	McCollum	Upton
Fish	McCrery	Vucanovich
Fowler	McHugh	Walker
Franks (CT)	McInnis	Walsh
Franks (NJ)	McKeon	Weldon
Galleghy	McMillan	Zimmer
Gallo	Meyers	
Gekas	Mica	

NOT VOTING—20

Berman	Houghton	Smith (OR)
Cardin	Kaptur	Tauzin
Clay	Machtley	Towns
Clinger	Moran	Woolsey
Cox	Oxley	Young (AK)
Hansen	Peterson (MN)	Zeliff
Horn	Royce	

So the joint resolution was passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶125.8 PROVIDING FOR THE CONSIDERATION OF H.R. 334

Mr. HALL of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 286):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 334) to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(2)(B) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

When said resolution was considered.

After debate,

On motion of Mr. HALL of Ohio, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶125.9 LUMBEE TRIBAL RECOGNITION

The SPEAKER pro tempore, Mr. GLICKMAN, pursuant to House Resolution 286 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 334) to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes.

The SPEAKER pro tempore, Mr. GLICKMAN, by unanimous consent, designated Mr. PETERSON of Florida as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. HASTINGS assumed the Chair; and after some time spent therein,

¶125.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. THOMAS of Wyoming:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. AUTHORITY TO PETITION FOR FEDERAL RECOGNITION.

(a) CONSIDERATION OF LUMBEE PETITION.—The Act of June 7, 1956 (70 Stat. 254), shall not be construed to constitute a bar to the consideration by the Secretary of the Interior of a petition of a group or organization representing the Lumbee Indians of Robeson and adjoining counties of North Carolina.

(b) CONSIDERATION OF OTHER PETITIONS.—The Act of June 7, 1956, shall not be construed to constitute a bar to the consideration by the Secretary of a petition of a group or organization representing any Indians in Robeson or any other county of North Carolina other than the Lumbee Indians.

(c) RECOGNIZED GROUPS.—The Act of June 7, 1956, shall not be construed to operate to deny any group or organization whose petition is approved by the Secretary on or after the date of the enactment of this Act any of the special programs or services provided by the United States to Indian tribes and their members because of their status as Indians.

SEC. 2. CONSIDERATION OF PETITION REQUIRING RECOGNITION AS AN INDIAN TRIBE.

(a) PROPOSED FINDING.—The Assistant Secretary of the Interior for Indian Affairs shall publish a proposed finding with respect to the petition for Federal recognition as an Indian tribe by the Secretary of the Interior pursuant to part 83 of title 25, Code of Federal Regulations, submitted by the Lumbee Regional Development Association on December 17, 1987, and subsequently supplemented, not later than 18 months after the date on which the petitioner has fully responded to the notice of obvious deficiencies regarding that petition.

(b) NUMBER OF MEMBERS NOT A FACTOR.—The number of persons listed on the membership roll contained in the petition referred to in subsection (a) shall not be taken into account in considering such petition except that the Assistant Secretary may review the eligibility of individual members or groups listed in such petition in accordance with the provisions of part 83 of title 25, Code of Federal Regulations.

(c) REVIEW.—(1) If the Assistant Secretary fails to publish the proposed finding referred to in subsection (a) within the 18-month period referred to in such subsection, the petitioner may treat such failure as final agency action refusing to recognize the petitioner as an Indian tribe and seek in federal district court a determination of whether the petitioner should be recognized as an Indian tribe in accordance with the criteria specified in section 83.7 of title 25, Code of Federal Regulations.

(2) If the Assistant Secretary publishes a final decision refusing to recognize the Indians seeking recognition under the petition referred to in subsection (a), the petitioner may, not later than one year after the date on which the final decision is published, seek in Federal district court a review of the decision, notwithstanding the availability of other administrative remedies.

SEC. 3. CRIMINAL AND CIVIL JURISDICTION.

(a) STATE.—In the event that an Indian tribe is recognized pursuant to the petition referred to in section 2(a), the State of North Carolina shall exercise jurisdiction over all criminal offenses that are committed and all civil causes of action that arise, on lands located within the State that are owned by, or held in trust by the United States for, such tribe or any member of such tribe, or on lands within any dependent community of such tribe, to the same extent that the State has jurisdiction over any such offense committed elsewhere in the State or over other civil causes of action.

(b) TRANSFER TO THE UNITED STATES.—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, any transfer by the State of North Carolina to the United States of any portion of the jurisdiction of the State described in subsection (a).

SEC. 4. NO DELAY FOR PETITIONS AWAITING ACTIVE CONSIDERATION.

It is the sense of the Congress that the review of the petition referred to in section